

SENATE BILL 822

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11r1279
CF HB 1188

By: **Senator Middleton**

Introduced and read first time: February 9, 2011

Assigned to: Rules

Re-referred to: Finance, February 18, 2011

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2011

CHAPTER _____

1 AN ACT concerning

2 **Maryland Communities for a Lifetime Act**

3 FOR the purpose of establishing the Maryland Communities for a Lifetime Program
4 within the Department of Aging; ~~altering the membership of the Interagency~~
5 ~~Committee on Aging Services; providing for the term of a representative of a~~
6 ~~Community for a Lifetime on the Interagency Committee; prohibiting the~~
7 ~~reappointment of a representative of a Community for a Lifetime for more than~~
8 ~~a certain number of terms; requiring the Interagency Committee to plan for~~
9 ~~assisting Communities for a Lifetime annually; altering the composition of local~~
10 ~~interagency committees; requiring the Secretary of Aging to determine the~~
11 ~~amount of a grant for a proposed or existing senior activities center capital~~
12 ~~improvement after considering whether a Community for a Lifetime is affected~~
13 ~~by the project; requiring the Senior Citizen Activities Center Operating Fund to~~
14 ~~be used to benefit Communities for a Lifetime in a certain manner; requiring~~
15 the Secretary of Aging, with the advice of the Innovations in Aging Services
16 Advisory Council, to include provisions for funding grants sought by
17 Communities for a Lifetime within an Innovations in Aging Services Program
18 plan in a certain manner; altering the membership of the Innovations in Aging
19 Services Advisory Council; establishing the purpose of certain provisions of this
20 Act; requiring the Department of Aging; in consultation with area agencies on
21 aging and the Interagency Committee on Aging Services, to establish, oversee,
22 and coordinate the Maryland Communities for a Lifetime Program; requiring
23 the Department of Aging to collect and make available certain best practices;
24 authorizing a county or municipal corporation to establish a certification

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 process for Communities for a Lifetime; requiring the Department of Aging to
 2 ~~consider~~ recommend certain criteria ~~in its~~ for the certification process for
 3 Communities for a Lifetime; requiring a Community for a Lifetime to report to
 4 the Department of Aging on certain progress and plans by a certain date each
 5 year; ~~requiring a Community for a Lifetime to be considered a priority funding~~
 6 ~~area~~; defining a certain term; and generally relating to establishing a Maryland
 7 Communities for a Lifetime Program.

8 BY repealing and reenacting, with amendments,
 9 Article – Human Services
 10 Section 10–101, ~~10–302, 10–306, 10–504, 10–514~~, 10–603, and 10–604
 11 Annotated Code of Maryland
 12 (2007 Volume and 2010 Supplement)

13 BY repealing and reenacting, without amendments,
 14 Article – Human Services
 15 Section ~~10–301, 10–501, 10–502, and~~ 10–602
 16 Annotated Code of Maryland
 17 (2007 Volume and 2010 Supplement)

18 BY adding to
 19 Article – Human Services
 20 Section 10–801 through 10–804 to be under the new subtitle “Subtitle 8.
 21 Maryland Communities for a Lifetime Program”
 22 Annotated Code of Maryland
 23 (2007 Volume and 2010 Supplement)

24 ~~BY repealing and reenacting, with amendments,~~
 25 ~~Article – State Finance and Procurement~~
 26 ~~Section 5–7B–02~~
 27 ~~Annotated Code of Maryland~~
 28 ~~(2009 Replacement Volume and 2010 Supplement)~~

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 30 MARYLAND, That the Laws of Maryland read as follows:

31 **Article – Human Services**

32 10–101.

33 (a) In this title the following words have the meanings indicated.

34 (b) “Area agency” means the local agency that the Department designates in
 35 accordance with the Older Americans Act of 1965 to administer the delivery of a
 36 comprehensive and coordinated plan of social and other services and activities for
 37 seniors in a planning and service area.

1 (C) “COMMUNITY FOR A LIFETIME” MEANS A COMMUNITY CERTIFIED
 2 UNDER § 10-804 OF THIS TITLE.

3 [(c)] (D) “Congregate housing services” means services provided in an
 4 apartment building that promote independent living for an eligible individual.

5 [(d)] (E) “Department” means the Department of Aging.

6 [(e)] (F) “Interagency Committee” means the unit established in § 10-301 of
 7 this title to oversee the coordination and consolidation of services for seniors in the
 8 State.

9 [(f)] (G) “Planning and service area” means an area of the State that the
 10 Department designates in accordance with the Older Americans Act of 1965 for the
 11 planning and administration of social, health, and other services for seniors.

12 [(g)] (H) “Secretary” means the Secretary of Aging.

13 ~~10-301.~~

14 ~~There is an Interagency Committee on Aging Services in the Executive~~
 15 ~~Department.~~

16 ~~10-302.~~

17 ~~(a) The Interagency Committee consists of the following members:~~

18 ~~(1) the Secretary of Aging;~~

19 ~~(2) the Secretary of Disabilities;~~

20 ~~(3) the Secretary of Health and Mental Hygiene;~~

21 ~~(4) the Secretary of Housing and Community Development;~~

22 ~~(5) the Secretary of Human Resources;~~

23 ~~(6) the Secretary of Labor, Licensing, and Regulation;~~

24 ~~(7) the Secretary of Transportation;~~

25 ~~(8) the Secretary of Veterans Affairs;~~

26 ~~(9) the Director of the Governor’s Office of the Deaf and Hard of~~
 27 ~~Hearing;~~

28 ~~(10) the Chair of the Commission on Aging;~~

1 ~~(11) a representative from an area agency appointed by the Governor~~
2 ~~from a list submitted by the Maryland Association of Area Agencies on Aging; [and]~~

3 ~~(12) A REPRESENTATIVE OF A COMMUNITY FOR A LIFETIME~~
4 ~~APPOINTED BY THE GOVERNOR; AND~~

5 ~~[(12)] (13) a member of the public appointed by the Governor.~~

6 (b) ~~(1) The term of a member appointed by the Governor under subsection~~
7 ~~(a)(11) [or], (12), OR (13) of this section is 2 years.~~

8 ~~(2) A member appointed by the Governor under subsection (a)(11) [or],~~
9 ~~(12), OR (13) of this section may not be reappointed for more than 2 additional terms.~~

10 ~~10-306.~~

11 (a) ~~(1) The Interagency Committee shall develop and update annually a~~
12 ~~plan for ASSISTING COMMUNITIES FOR A LIFETIME AND FOR providing~~
13 ~~coordinated health services, social services, transportation, housing, and employment~~
14 ~~services to seniors in the State consistent with the priorities that the Department~~
15 ~~establishes.~~

16 ~~(2) If the members of the Interagency Committee cannot agree on a~~
17 ~~plan, the chair shall refer the matter to the Governor for resolution.~~

18 (b) ~~Annually on or before a date that the Governor sets, the Interagency~~
19 ~~Committee shall develop and present to the Governor and the General Assembly a~~
20 ~~consolidated operating budget for services to seniors that:~~

21 ~~(1) sets forth the relevant portions of the operating budget of any unit~~
22 ~~responsible for services to seniors; and~~

23 ~~(2) is consistent with the plan developed under subsection (a) of this~~
24 ~~section.~~

25 (c) ~~The Interagency Committee shall establish interagency agreements and~~
26 ~~adopt regulations to:~~

27 ~~(1) implement and coordinate services to seniors consistent with the~~
28 ~~plan developed under subsection (a) of this section;~~

29 ~~(2) maximize the sharing of resources among units of State~~
30 ~~government for services to seniors;~~

31 ~~(3) consolidate planning and evaluation efforts at the State and local~~
32 ~~levels; and~~

1 ~~(4) coordinate and expedite the delivery of services to seniors by~~
 2 ~~providing technical assistance to local agencies.~~

3 ~~(d) (1) The Interagency Committee shall assist county agencies to~~
 4 ~~establish local interagency committees composed of:~~

5 ~~(i) the directors of the local health department, local~~
 6 ~~department of social services, and area agency; [and]~~

7 ~~(H) REPRESENTATIVES OF COMMUNITIES FOR A LIFETIME;~~
 8 ~~AND~~

9 ~~[(ii)] (III) officials from housing, transportation, mental health,~~
 10 ~~employment, and economic development agencies.~~

11 ~~(2) Local interagency committees shall coordinate and expedite the~~
 12 ~~delivery of services to seniors at the local level.~~

13 ~~10-501.~~

14 ~~(a) In this part the following words have the meanings indicated.~~

15 ~~(b) "Capital equipment" means essential fixed equipment and furnishings~~
 16 ~~with an expected useful life of at least 15 years.~~

17 ~~(e) (1) "Cost" means all expenses incident to the construction, acquisition,~~
 18 ~~conversion, renovation, or improvement of a project.~~

19 ~~(2) "Cost" includes:~~

20 ~~(i) the cost to acquire any interest in real or personal property~~
 21 ~~in connection with a project;~~

22 ~~(ii) the cost of financial, technical, professional, engineering,~~
 23 ~~and legal services in connection with a project whether the expenses are incurred~~
 24 ~~before or after any bond, note, or other evidence of indebtedness or obligation is issued~~
 25 ~~by the State to finance the project;~~

26 ~~(iii) the cost of development of a senior citizen activities center~~
 27 ~~master plan; and~~

28 ~~(iv) the cost of plans, specifications, surveys, estimates of costs~~
 29 ~~and revenues, feasibility or practicability reports, machinery, equipment, and~~
 30 ~~administrative expenses, and other expenses that are necessary and incident to the~~
 31 ~~financing authorized for the project.~~

1 ~~(d) "Grant" means a grant from the State under the Program.~~

2 ~~(e) "Improvement" means construction, replacement, extension, or~~
3 ~~betterment of a project or real property.~~

4 ~~(f) "Master plan" means a comprehensive plan for a local government's~~
5 ~~projected need for funds for senior citizen activities centers over 15 years.~~

6 ~~(g) "Program" means the Senior Citizen Activities Centers Capital~~
7 ~~Improvement Grants Program.~~

8 ~~(h) "Project" means a proposed or existing senior citizen activities center~~
9 ~~that:~~

10 ~~(1) receives or has received a grant for work that is eligible under this~~
11 ~~part;~~

12 ~~(2) is operated under the authority of a unit of local government; and~~

13 ~~(3) is:~~

14 ~~(i) wholly owned by the unit of local government; or~~

15 ~~(ii) leased by a unit of local government if:~~

16 ~~1. the lease is for a minimum term of 15 years after~~
17 ~~completion of the project or gives the lessee the right of purchase; and~~

18 ~~2. the lessor consents to the recording of a notice of the~~
19 ~~right of recovery under § 10-506 of this subtitle in the land records of the county in~~
20 ~~which the facility is located.~~

21 ~~(i) "Senior citizen activities center" means a community or neighborhood~~
22 ~~facility in which a broad spectrum of services are organized and provided to~~
23 ~~individuals at least 60 years old or their spouses, including health, social, nutritional,~~
24 ~~educational, and recreational services.~~

25 ~~10-502.~~

26 ~~(a) A unit of local government may apply to the Secretary for a grant for the~~
27 ~~cost of:~~

28 ~~(1) planning, design, construction, acquisition, conversion, renovation,~~
29 ~~or improvement of a project;~~

30 ~~(2) developing a master plan;~~

- 1 ~~(3) purchasing capital equipment for a project;~~
2 ~~(4) leasing a project as a lessee or lessor; or~~
3 ~~(5) making a subgrant to a nonprofit organization for a purpose~~
4 ~~described in item (1), (2), (3), or (4) of this subsection.~~

5 ~~(b) If the Secretary approves an application for a grant, the Secretary shall~~
6 ~~file with the Board of Public Works a report describing the scope of the project and a~~
7 ~~recommendation that the Board make the requested funds available.~~

8 ~~10-504.~~

9 ~~(a) (1) Any federal grant that is received for a project shall be applied first~~
10 ~~to the cost of the project.~~

11 ~~(2) Except as provided in subsection (b) of this section, a State grant~~
12 ~~for a project may not exceed the lesser of \$800,000 or 50% of the cost of eligible work~~
13 ~~remaining unpaid after any federal grant is applied.~~

14 ~~(3) A State grant to develop a master plan may not exceed the lesser of~~
15 ~~\$15,000 or 50% of the cost of development of the plan.~~

16 ~~(b) The Board of Public Works may authorize a grant for a project that~~
17 ~~exceeds 50% of the cost of eligible work remaining unpaid after any federal grant is~~
18 ~~applied, if:~~

19 ~~(1) the project involves the conversion, acquisition, renovation,~~
20 ~~construction, or improvement of a building for use as a senior citizen activities center;~~

21 ~~(2) the value of real property and existing improvements made~~
22 ~~available by the local government equals or exceeds the amount of the State grant;~~
23 ~~and~~

24 ~~(3) the residual value of the real property and existing improvements~~
25 ~~made available by the local government exceeds the sum of:~~

26 ~~(i) any prior amounts used for matching funds under this~~
27 ~~Program;~~

28 ~~(ii) any outstanding State debt relating to the property from~~
29 ~~another program;~~

30 ~~(iii) any prior grant under this Program; and~~

31 ~~(iv) any other tangible State investment in the property.~~

1 ~~(e) The amount of a State grant for a project shall be determined after~~
2 ~~consideration of:~~

3 ~~(1) the density of the senior population in the area affected by the~~
4 ~~project;~~

5 ~~(2) the proximity of the proposed center to an existing senior citizen~~
6 ~~activities center; [and]~~

7 ~~(3) WHETHER A COMMUNITY FOR A LIFETIME IS AFFECTED BY~~
8 ~~THE PROJECT; AND~~

9 ~~[(3)] (4) other localities eligible for State funding that have not~~
10 ~~received previous funding under the Program or similar programs.~~

11 ~~(d) A grantee who received funds for a project under this subtitle or a prior~~
12 ~~act authorizing grants for senior citizen activities centers may receive additional~~
13 ~~grants for the project, but only in an amount that does not exceed the difference~~
14 ~~between the sum of any prior grants and the maximum funding allowable.~~

15 ~~10-514.~~

16 ~~(a) There is a Senior Citizen Activities Center Operating Fund.~~

17 ~~(b) The Fund shall be used to supplement, but may not be used to supplant,~~
18 ~~any existing funding for senior citizen activities centers in the State budget.~~

19 ~~(c) TO THE EXTENT PRACTICABLE, THE FUND SHALL BE USED TO~~
20 ~~INCREASE THE ABILITY OF SENIORS LIVING IN COMMUNITIES FOR A LIFETIME~~
21 ~~TO AGE IN PLACE.~~

22 ~~10-602.~~

23 (a) There is an Innovations in Aging Services Program in the Department.

24 (b) The purposes of the Program are to:

25 (1) provide competitive funding grants to design and test innovative
26 ideas in programs and services for seniors;

27 (2) publicly disseminate the results of the tests; and

28 (3) help meet the need for personnel trained to provide services to
29 seniors in the State.

30 ~~10-603.~~

1 (a) (1) With the advice of the Council, the Secretary shall:

2 (i) develop annually a Program plan; and

3 (ii) submit the plan to the Governor and General Assembly for
4 approval as part of the annual State budget.

5 (2) The plan shall set forth priorities for:

6 (i) funding grants for innovative services to seniors; and

7 (ii) training personnel who provide services to seniors in the
8 State.

9 (3) The plan shall include provisions for:

10 (I) **FUNDING GRANTS THAT ARE SOUGHT BY COMMUNITIES**
11 **FOR A LIFETIME TO THE EXTENT PRACTICABLE; AND**

12 (II) evaluating any program funded under the plan.

13 (b) The Secretary may accept money from any public or private source to
14 fund grants awarded under this subtitle.

15 10-604.

16 (a) There is an Innovations in Aging Services Advisory Council in the
17 Department.

18 (b) The Council consists of the following [14] **15** members:

19 (1) the Secretary of Aging;

20 (2) the chair of the Maryland Commission on Aging or the chair's
21 designee;

22 (3) the Secretary of Health and Mental Hygiene or the Secretary's
23 designee;

24 (4) one member of the Senate of Maryland, appointed by the President
25 of the Senate;

26 (5) one member of the Maryland House of Delegates, appointed by the
27 Speaker; and

28 (6) the following [nine] **10** members appointed by the Secretary of
29 Aging:

1 (i) five representatives of organizations providing services to
2 seniors;

3 (ii) two representatives of senior consumers of services to
4 seniors;

5 (iii) a director of an area agency; [and]

6 **(IV) A REPRESENTATIVE OF A COMMUNITY FOR A LIFETIME;**
7 **AND**

8 ~~[(iv)]~~ **(V)** a representative of the University of Maryland.

9 (c) The Secretary is the chair of the Council.

10 (d) (1) The term of a member of the Council is 4 years.

11 (2) The terms of the members appointed by the Secretary are
12 staggered as required by the terms provided for members of the Council on October 1,
13 2007.

14 (3) At the end of a term, a member continues to serve until a successor
15 is appointed and qualifies.

16 (4) A member who is appointed after a term has begun serves only for
17 the rest of the term and until a successor is appointed and qualifies.

18 **SUBTITLE 8. MARYLAND COMMUNITIES FOR A LIFETIME PROGRAM.**

19 **10-801.**

20 **THE PURPOSE OF THIS SUBTITLE IS TO:**

21 **(1) ESTABLISH A COMPREHENSIVE, STRATEGIC STATE PLAN TO**
22 **ADDRESS THE AGING-IN-PLACE PREFERENCE OF CURRENT AND FUTURE**
23 **SENIORS;**

24 **(2) ~~DIRECT FINANCIAL AND REGULATORY INCENTIVES~~ PROVIDE**
25 **AVAILABLE RESOURCES TO LOCAL COMMUNITIES TO ENHANCE**
26 **AGING-IN-PLACE SERVICES AND FACILITATE THE INDEPENDENCE OF OLDER**
27 **ADULTS; AND**

28 **(3) PROMOTE A STATE AGING-IN-PLACE PROGRAM THAT**
29 **OVERCOMES BARRIERS IN HOUSING, TRANSPORTATION, HEALTH CARE,**
30 **EMPLOYMENT, AND SOCIAL AND CIVIC ENGAGEMENT.**

1 **10-802.**

2 **THERE IS A MARYLAND COMMUNITIES FOR A LIFETIME PROGRAM IN THE**
3 **DEPARTMENT.**

4 **10-803.**

5 **~~THE DEPARTMENT SHALL, IN CONSULTATION WITH AREA AGENCIES AND~~**
6 **~~THE INTERAGENCY COMMITTEE, ESTABLISH, OVERSEE, AND COORDINATE THE~~**
7 **~~MARYLAND COMMUNITIES FOR A LIFETIME PROGRAM~~ COLLECT AND MAKE**
8 **AVAILABLE BEST PRACTICES ON POLICIES TO ENCOURAGE AGING-IN-PLACE.**

9 **10-804.**

10 **(A) ~~THE DEPARTMENT SHALL~~ A COUNTY OR MUNICIPAL CORPORATION**
11 **MAY ESTABLISH A PROCESS TO CERTIFY COMMUNITIES AS COMMUNITIES FOR A**
12 **LIFETIME UNDER THE MARYLAND COMMUNITIES FOR A LIFETIME PROGRAM.**

13 **(B) ~~THE DEPARTMENT SHALL INCLUDE THE FOLLOWING~~ RECOMMEND**
14 **CRITERIA IN ITS CERTIFICATION PROCESS FOR THAT LOCAL JURISDICTIONS**
15 **MAY USE TO CERTIFY COMMUNITIES FOR A LIFETIME, INCLUDING:**

16 **(1) THE EXTENT TO WHICH A COMMUNITY HAS SOUGHT AND**
17 **PLANS TO EXPAND PUBLIC HEALTH, PREVENTION, AND WELLNESS PROGRAMS**
18 **THAT SERVE OLDER ADULTS;**

19 **(2) THE EXTENT TO WHICH A COMMUNITY HAS SOUGHT AND**
20 **PLANS TO EXPAND AFFORDABLE TRANSPORTATION OPTIONS;**

21 **(3) THE EXTENT TO WHICH A COMMUNITY HAS SOUGHT AND**
22 **PLANS TO EXPAND AFFORDABLE RENTAL HOUSING AND THE ABILITY TO OWN**
23 **AFFORDABLE HOMES;**

24 **(4) THE EXTENT TO WHICH A COMMUNITY HAS SOUGHT AND**
25 **PLANS TO EXPAND EMPLOYMENT, CIVIC ENGAGEMENT, RECREATION, AND**
26 **LEISURE OPTIONS FOR OLDER ADULTS; AND**

27 **(5) THE EXTENT TO WHICH A COMMUNITY HAS SOUGHT AND**
28 **PLANS TO EXPAND OTHER INITIATIVES THAT BOOST THE ABILITIES OF OLDER**
29 **ADULTS TO AGE IN PLACE.**

30 **(C) A COMMUNITY FOR A LIFETIME SHALL SUBMIT TO THE**
31 **DEPARTMENT ON OR BEFORE SEPTEMBER 1 EACH YEAR A PROGRESS REPORT**

1 ON THE COMMUNITY'S EFFORTS TO ENABLE AGING IN PLACE AND A REPORT ON
2 THE COMMUNITY'S PLANS TO ENABLE AGING IN PLACE IN THE FUTURE.

3 ~~Article State Finance and Procurement~~

4 ~~5-7B-02.~~

5 ~~The following areas shall be considered priority funding areas under this~~
6 ~~subtitle:~~

7 (1) ~~a municipal corporation, including Baltimore City, except that:~~

8 (i) ~~those areas annexed by a municipal corporation after~~
9 ~~January 1, 1997 but before October 1, 2006 shall satisfy requirements relating to~~
10 ~~density and service by water and sewer set forth in § 5-7B-03 of this subtitle; and~~

11 (ii) ~~those areas annexed by a municipal corporation after~~
12 ~~September 30, 2006, shall satisfy all of the requirements set forth in § 5-7B-03 of this~~
13 ~~subtitle;~~

14 (2) ~~a designated neighborhood, as defined in § 6-301 of the Housing~~
15 ~~and Community Development Article;~~

16 (3) ~~an enterprise zone as designated under Title 5, Subtitle 7 of the~~
17 ~~Economic Development Article, or by the United States government;~~

18 (4) ~~a certified heritage area as defined in §§ 13-1101 and 13-1111 of~~
19 ~~the Financial Institutions Article that is located within a locally designated growth~~
20 ~~area;~~

21 (5) ~~those areas of the State located between Interstate Highway 495~~
22 ~~and the District of Columbia;~~

23 (6) ~~those areas of the State located between Interstate Highway 695~~
24 ~~and Baltimore City; [and]~~

25 (7) ~~an area designated by the governing body of a county or municipal~~
26 ~~corporation under § 5-7B-03 of this subtitle; AND~~

27 (8) ~~A COMMUNITY FOR A LIFETIME UNDER TITLE 10, SUBTITLE 8~~
28 ~~OF THE HUMAN SERVICES ARTICLE.~~

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2011.